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Department of State

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Origin

NO. 00-524

Info

SENT TO: Amembassy BONN

Rptd Info: USAREUR, BERLIN, LONDON,
MOSCOW, PARIS

PARIS PASS USCINCEUR THURSTON AND WEST

NOFORN

Department believes Embassy will find following comments helpful in carrying out instructions embodied in tripartite Berlin contingency planning dated April 4 (forwarded under cover of separate instruction). We hope comments will also be adequate reply to your telegram 2197.

No agreement was reached here on question of possible stamping of document by GDR personnel as part of identification procedure at checkpoints. It was decided reference to stamping should be omitted from paper and that matter should be re-examined in light of Embassies' recommendations re identification procedures. In discussion British reiterated view stamping acceptable, US reiterated view stamping very undesirable. French did not wish exclude possibility of stamping but believed question could be considered more profitably when we have clearer idea how GDR will act, for example, whether there is any basis for assuming agency relationship exists.

Our telegram 2071 continues represent our views re general approach to identification problem. In strict legal theory we could justify dealing with GDR personnel as we have with USSR personnel in past without conceding "substitution" of GDR for USSR. We might do so either on theory GDR, being puppet of USSR, represents USSR regardless of any disclaimers USSR might make, or upon theory that stamping does not imply control but is part of identification procedures. It is important in this regard that we have not recognized right even of USSR to "control" our movements, although we have conceded our obligation identify our military movements as such. If we permit stamping, however, procedure we follow with GDR personnel will appear sufficiently similar to procedures we followed earlier with Soviet personnel to make it difficult convince public opinion we had not in fact accepted substitution of GDR for USSR in matters related our access.

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Above views not intended discourage serious examination by Embassy of any identification procedure proposed. If difference develops on stamping issue, we should prefer Embassies put forward alternatives or even disagreed recommendations for review by Ambassadorial Group here rather than prolonging argument in effort resolve issue at Bonn level.

We are forwarding in separate message suggestion re identification procedure which has not been discussed tripartitely here but which Embassy may wish to examine with British and French Embassies.

No agreement was reached here on question of "last resort" dealings with GDR personnel to extricate movement held up within Soviet Zone. Reference to this question also omitted from paper on understanding Embassies should attempt resolve question in working out detailed instructions. During discussion US stressed operation designed probe Soviet intentions might also attempt extricate detained movement and this possibility should be left open for planning purposes. British cited possible difficulty of communicating with detained movement. French expressed opinion adverse psychological effect of submitting to GDR demands under protest less if this done by movement immediately rather than after referral to Governments. We shall attempt furnish further guidance this subject. Meanwhile Embassy should continue reserve US position.

No attempt was made here define more precisely what is meant by "procedures ... tripartitely agreed to be reasonable to enable GDR personnel to ensure orderly progress of traffic on Autobahn or railroad" but we do not believe Embassies need concern themselves with this aspect of problem at this stage. British, who proposed this language, did not explain what it was intended accomplish, but we consider it should be construed to cover only such matters as necessary dealings with Reichsbahn re operations of trains and compliance with traffic directions given by police on Autobahn. If British Embassy should attempt interpret this language as providing basis for acceptance of some form of "control" by GDR, Embassy should make it clear we do not so interpret it.

Hert HERTER
ACTING

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